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Changes to the Pundit

by State Court Administrative Office, Friend of the Court Bureau Staff

The State Court Administrative Office (SCAO) Friend of the Court Bureau's quarterly newsletter the "Pundit" will no longer include Cases in Brief or Capitol Corner articles. Instead, the Pundit will focus on best practices and news from the Michigan Child Support Program.

The State Court Administrative Office Friend of the Court Bureau will, however, provide a new quarterly memorandum to all Michigan courts. It will provide notice of recent Michigan Court of Appeals and Supreme Court decisions, SCAO Administrative Memorandums, Michigan Office of Child Support policies, pending and enacted legislation, and amendments to the Michigan Court Rules that could impact domestic relations litigation and friend of the court operations.

A Michigan court or friend of the court may submit articles about custody, parenting time, child support, alternative dispute resolution or friend of the court operations by e-mailing the articles to: focb@courts.mi.gov

Chance at Childhood Program

by Patricia Barns, State Court Administrative Office, Friend of the Court Bureau Customer Service Clerk

As a third-year law student at Michigan State University (MSU), I am focusing my studies on family law and have decided to participate in MSU's Chance at Childhood Program. This program uses an interdisciplinary approach to educate law students about issues related to children and the law. As a clinician, I have conducted guardianship and custody reviews, researched adoption law, and supervised parenting time.

The program teams a law student and a social work masters degree student. Throughout the process, the team works closely with Clinic Director Joseph Kozakiewicz, Clinic Supervisor Kimberly Steed, and Staff Attorney Delanie Pope, who provide feedback to the student clinicians. Before any paperwork is submitted to a court or friend of the court, clinicians must submit all work to those supervisors for constructive feedback. This process is a crucial learning step for all clinicians.

Each team conducts two guardianship reviews for the probate court. This requires visiting the home of the guardian, and interviewing parents, guardians, and other parties to determine what placement will best fit the child's needs. Finally, each team submits a final report to the probate court.

Each team also works with a county friend of the court on a custody case. My team worked with the Ionia County Friend of the Court. We first reviewed the case file and spoke with the caseworker. Then we started the interview process. Over several days, we interviewed teachers, parties, children, friends, and family members. A custody hearing was scheduled; however, before the hearing was held, the parties stipulated to a custody arrangement. Otherwise, we would have had to testify at the hearing to explain our recommendations to the court.

The team's third main project involves supervising parenting time. To help the court determine whether the noncustodial parent should have joint custody or parenting time, student teams supervised interactions between the child and parent and submitted weekly reports to the friend of the court office. When a hearing was held on supervised parenting time, the supervisor almost always was subpoenaed to testify as to his or her recommendation.

In addition to the three main projects throughout the semester (guardianship, custody, and supervised parenting time), clinicians gain experience researching other family law issues. A few clinicians worked on kinship care issues. I researched an adoption case for a grandfather and ultimately put him in touch with local service agencies that were able to assist him with the adoption process.

Overall, my experience as a clinician in the Chance at Childhood Program at MSU was very constructive. Not only did I learn what a social worker experiences while dealing with family law issues, I also enjoyed getting beneficial hands-on experience while I was still in law school.

Electronic Disbursement of Child Support

by State Court Administrative Office, Friend of the Court Bureau Staff

2004 Public Act 548 (codified at MCL 400.236[4]) requires the Michigan State Disbursement Unit (MiSDU) to disburse child support payments electronically. In November 2005, three Michigan counties (Marquette, Muskegon, and Shiawassee) piloted the electronic distribution of child support. During 2006, the remaining Michigan counties will begin distributing child support electronically. After that transition, child support payments sent by check payable to a child support recipient will occur only in special-need cases.

There are many benefits to processing child support payments electronically, including:

- Lower processing costs.
- Money reaches the recipient quickly.
- Return mail is eliminated.
- Payments held in suspense are reduced.
- No lost or stolen checks.
- Funds are available immediately.
- Enhanced security safeguards.

Child support customers will receive their payments either through direct deposit to their bank account or a U. S. Bank ReliaCard Visa debit card. The child support recipients can choose the option he or she wants. The U. S. Bank ReliaCard is a debit card, not a credit card. Funds are accessed through either a signature or a secure Personal Identification Number (PIN). Only the MiSDU can deposit money into this account; the child support customer cannot add funds. The ReliaCard can be used to make purchases wherever Visa debit cards are accepted, including grocery stores, gas stations, and restaurants. The card can be used to pay bills, to place orders online, by phone, or by mail; and to obtain cash at any bank that accepts Visa. Any fees charged by the financial institution will not change due to this choice. There is no fee at the millions of locations that accept Visa debit card point-of-sale transactions.

Child support customers receiving recurring support payments must use direct deposit or the ReliaCard unless they meet one or more of the following criteria:

- The customer has a mental or physical disability that imposes a hardship in accessing electronic payments.
- The customer has a language or literacy barrier that imposes a hardship in accessing electronic payments.
- The customer has both home and work addresses that are more than 30 miles from an ATM or the customer's financial institution.

Child support customers who want to be exempt from receiving their child support electronically must contact the MiSDU at 1-877-4-MI-DEBIT (1-877-464-3324).

"During 2006, the remaining Michigan counties will begin distributing child support electronically."

Understanding the Uniform Interstate Family Support Act and How it Affects Parents in Michigan

by Keri VanNorman, State Court Administrative Office, Friend of the Court Bureau Customer Service Clerk

The world today is more connected than ever. People are free to move about the country with ease via airplanes, cars, trains, and buses. This ease of transportation and travel has resulted not only in higher connectivity, but also a more transient society. People have the opportunity to move to another state relatively quickly and easily. As a customer service clerk in the Friend of the Court Bureau, I receive questions daily as to how a move by either parent from Michigan affects the enforcement actions on a Michigan child support court order.

The answer to the question of how a move affects child support enforcement is found in the Uniform Interstate Family Support Act (UIFSA). UIFSA is a uniform model act that establishes how those states should work with one another when there are child support obligations involving residents in each. The key concept of UIFSA is that only one state has jurisdiction to decide the amount of child support. This eliminates the possibility of multiple orders changing support at the same time. To achieve this goal, UIFSA specifies criteria for determining which order is the controlling order when there are multiple support orders, and which state has continuing exclusive jurisdiction to modify the support amount. [See MCL 552.1231].

The following are common questions about how UIFSA affects the enforcement of a Michigan child support order.

- **What happens if a child support payee moves from Michigan but the child support payer remains in the state?**

When a payee moves from Michigan, Michigan will retain jurisdiction and continue to be responsible for enforcement action and processing child support payments. In addition, Michigan will continue to be the court to modify the child support order.

- **What happens if a child support payer moves and the child support payee remains in Michigan?**

If the payer continues to pay, no additional action is necessary. However, if payments are not made, then interstate enforcement may be necessary. UIFSA allows Michigan to send an income withholding order directly to the payer's employer in the other state. If the income withholding order is unsuccessful, the support order must be registered for enforcement in the state where the payer resides. The child support order is sent to the other state and is treated as a support order when it is filed and registered. The child support payer is notified and the payer has 20 days to vacate the registration. If the payer does not vacate the registration, the state where the payer resides will enforce the order like any other support order entered in that state.

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Problem-Solving Courts

by State Court Administrative Office, Friend of the Court Bureau Staff

What are “problem-solving courts?” They are specialized courts that go beyond resolving the court case to address the underlying cause of the behavior that resulted in the case. The problem-solving court is usually presided over by a specifically assigned judge. The concept of problem-solving courts is becoming popular as an approach to difficult cases where social, human, and legal problems cross. Problem-solving courts have been successful in addressing drug addiction, domestic violence, and neighborhood conflicts. These courts use community services to help change the behavior of litigants.

The largest number of problem-solving courts in Michigan are drug courts. The evidence shows that problem-solving drug courts have achieved solid results with regard to keeping offenders in treatment, reducing drug use and recidivism, and saving jail and prison costs. There are currently 72 drug courts in Michigan, consisting of 33 adult drug courts, 17 drunk driving courts, 14 juvenile drug courts, 4 family dependency drug courts, and 4 tribal courts.

The problem-solving court concept can be applied to other forms of litigation because the challenges facing families in the family dependency drug courts are similar to problems facing many families in domestic relations litigation. Domestic relations objectives that are similar to those of family drug courts include:

- Providing parents with the necessary skills to survive in the community and support their families.
- Providing a continuum of family-based treatment and ancillary services through the life of the program.
- Providing families with the knowledge they need to access the services they may require after completion of the program to function responsibly.
- Developing cost-effective programming and interventions and reallocating resources to support them.
- Reducing future incidents of abuse and neglect.
- Providing gender-specific and culturally appropriate treatment.
- Developing stable relationships between the courts and the communities in which they operate.

How would applying these problem-solving concepts help families involved in domestic relations litigation? Many litigants involved with domestic relations litigation take a revolving-door approach to solving their problems. Parents leave the court only to return soon after to address yet another problem stemming from the same underlying family dynamics. This revolving-door process does not address these underlying issues.

The problem-solving court could assist families by directing them to community service organizations that provide programs such as family counseling, parenting classes, fatherhood classes, job placement assistance, mediation, employment skills, monitored parenting time, therapeutic parenting time, and neutral drop-off services. Such services could be used to assist families in resolving recurring issues and avoid continuous litigation.

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“If both parents move from Michigan, they may continue to pay and receive support from Michigan. ”

Understanding UIFSA, continued from page 4

- **What happens when both the child support payee and the payer move from Michigan?**

If both parents move from Michigan, they may continue to pay and receive support from Michigan. If enforcement is necessary, the order will need to be registered in the state in which the payer resides or earns an income. If one of the parents requests a modification of the support amount, that parent must request the modification in the state where the other parent lives and ask that it be reviewed. The parents may also agree to have one of the two states in which they live establish continuing exclusive jurisdiction and modify the order.

- **Does continuing exclusive jurisdiction have to be established?**

Yes, continuing exclusive jurisdiction must be established. Before child support can be changed or enforced in another state, a decision must be made as to which court has continuing exclusive jurisdiction. The state that last established continuing exclusive jurisdiction will retain that jurisdiction as long as one of the parents or the child lives there. If none of the parents lives in the state that issued the order, no state has continuing exclusive jurisdiction until the order is registered and modified in a state in which a parent or the child lives.

For additional information about interstate child support enforcement and UIFSA see <http://courts.michigan.gov/scao/resources/publications/pamphlets/focb/psa29.pdf>.

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See <http://www.michbar.org/journal/article.cfm?articleID=528&volumeID=40&viewType=archive> for an article about problem-solving courts written by Michigan Supreme Court Justice Maura Corrigan and Mr. David Becker.